



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,938	05/26/2000	Timothy J Williams	TJW-00100	8295

28960 7590 06.07.2002

HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086

EXAMINER

SORKIN, DAVID L

ART UNIT	PAPER NUMBER
----------	--------------

1723

DATE MAILED: 06/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/579,938

Applicant(s)

WILLIAMS, TIMOTHY J

Examiner

David L. Sorkin

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s) _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 26 March 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/579,938 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Each independent claim (1,7,11,16 and 22) is rendered indefinite by the phrase "configured for holding...", because the phrase makes unclear the what structural relationships are required among the claimed elements. See *In re Collier*, 158 USPQ 266 (CCPA 1968) regarding the requirement to clearly set forth structural relationships among elements of a claimed apparatus. Each independent claim should be redrafted in consideration of *In re Collier*. For example, regarding claim 7, of the elements a,b,c and d, the lid and stirring assembly (c and d) are positively recited as "coupled"; however, the compartment (a) is not positively recited as being involved in any cooperative structural relationship with an other element, nor is the frame (b).

5. It is considered that claims 2, 8, and 12 are further rendered indefinite by the phrase "configured for holding a plurality of paint storage compartments". While one of

ordinary skill in the art could reasonably determine if a given frame actually is or is not holding a paint compartment or a plurality of paint compartments, one could not reasonable determine if a given frame is "configured for" holding a paint compartment or a plurality of paint compartments. Likewise, claims 20 and 27 are further rendered indefinite by the phrase "hole configured for coupling a spigot assembly to the paint compartment". While one of ordinary skill in the art could reasonably determine if a given hole is actually coupled to a spigot assembly, one could not reasonable determine if a given hole is or is not "configured for" coupling to a spigot assembly.

6. The scope of independent claim 22 is particularly unclear. The claimed container is recited as comprising four structural elements (a. a body, b. a lid, c. a stirring mechanism and d. a fan). A paint compartment is not one of the explicitly recited elements. However, it is recited that the body "is configured for holding paint in one or more paint compartments". This statement appears to be a recitation of an intended use. On the other hand, it is recited that the lid is "removably coupled to the paint compartments", which appears to be a recitation of a structural relationship. The claims must particularly point out whether or not a paint compartment is required. If a no paint compartment is required, structural statements concerning paint compartments (such as "coupled to the paint compartment", "positioned over the paint compartment" and "extending into a paint compartment") must be avoided. If a paint compartment is required, the apparatus should be explicitly recited as comprising the paint compartment(s).

7. Claims 16, 20, 22, 27 are rendered indefinite by the relative term "small".

8. In claim 24, there is lack of antecedent basis for "the main body".
9. In claim 24, the phrase "the body includes a plurality of mounting slots located in the back" is unclear because the paint compartments are explicitly recited as having "a back", while the body is not.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

11. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Mullen et al. (US 5,673,817). Regarding claims 1 and 2 Mullen ('817) discloses an apparatus (11) comprising compartments (18,19,20) having a front, a back, a first side, a second side and a base; a frame (13) configured for holding the paint storage compartments; and means (25) for dispensing removably coupled to the paint storage compartments (see col. 4, lines 42-53). Regarding claim 3, the means for dispensing is a spigot assembly (see col. 5, line lines 6 and 7).
12. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Briggs (US 6,109,482). Regarding claim 1, Briggs ('482) discloses an apparatus comprising a

compartment (see Fig. 5); a frame (12) configured for holding the paint storage compartment; and means (22) for dispensing removably coupled to the paint storage compartments for dispensing paint from the paint storage compartments, wherein the means for dispensing is capable of dispensing paint without lifting the paint compartments. Regarding claim 2, the frame is configured for holding a plurality of paint storage compartments (see Fig. 2). Regarding claim 3, the means for dispensing paint includes a spigot assembly (see Fig. 3). Regarding claim 4, the frame includes mounting slots (42).

13. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by DeVito (US 5,842,606). Regarding claim 1, DeVito discloses an apparatus comprising one or more compartments (34) having a front, a back, a first side, a second side and a base; a frame (12) configured for holding the paint storage compartments; and means (52) for dispensing removably coupled to the paint storage compartments. Regarding claim 2, the frame is configured for holding a plurality of compartments (see Fig. 1). Regarding claim 3, the means for dispensing paint includes a spigot assembly (see Fig. 5). Regarding claim 4, the frame includes mounting slots (38).

14. Claims 1-3, 5 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Parmeley (US 1,254,429). Regarding claim 1, Parmeley (US 1,254,429) discloses an apparatus comprising a paint storage compartment (28) having a front, a back a first side, a second side and a base; a frame (6) configured for holding the compartment; and means for dispensing (9,10) removably coupled to the paint storage compartment. Regarding claim 2, the frame is configured for holding a plurality of paint

storage compartments (see Fig. 2). Regarding claim 3, the means for dispensing paint includes a spigot assembly (see Fig. 1). Regarding claim 5, a lid (38) for selectively covering the paint storage compartment; and means for stirring (39,40,41,42) removably coupled to the lid. Regarding claim 11, Parmeley ('429) discloses an apparatus comprising a compartment (28) having a front, a back, a first side, a second side and a base; a frame (6) configured for holding the compartment; a dispensing mechanism (9,10) removably coupled to the compartment; a lid (38) for covering the paint compartment; and a stirring assembly removably coupled (39,40,41,42) to the lid. Regarding claim 12, the frame is configured for holding a plurality of compartments (see Fig. 1). Regarding claim 13, the dispensing mechanism includes a spigot assembly (see Fig. 1).

15. Claims 7,8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Stephens (US 101,936). Regarding claim 7, Stephens ('936) discloses an apparatus comprising a compartment having a front, a back, a planar first side, a planar second side and a base (e) (See Figs. 1 and 2); a frame (see Fig. 1); a lid (j,k); and a stirring assembly (a,b,c,g,h) removably coupled to the lid (see col. 2, lines 13-18). Claim 8 fails to further structurally limit the claimed apparatus. Regarding claim 10, the stirring assembly comprises a circular base (g, the left one in Fig. 1), configured for rotating about a central axis; a rod (h) coupled to the circular base at the axis such that the rod spins when the circular base is rotated about the central axis; and stirring fan apparatus (g, the right one in Fig. 1) removably coupled to the rod (see col. 2, lines 13-18), wherein the stirring fan apparatus includes a plurality of fins which extend outwardly

Art Unit: 1723

from the stirring fan apparatus and rotate about the central axis when the circular base is rotated.

16. Claims 7, 8, 10, 16, 18, 19, 22, 23 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Lande (US 5,829,344). Regarding claim 7, Lande ('344) discloses an apparatus comprising a compartment (34) having a front, a back, a planar first side and a planar second side; a frame (12) configured for holding the paint storage compartment; a lid (40) for covering the compartment; and a stirring assembly removably coupled to the lid (see Fig. 1; col. 5, lines 32-58). Regarding claim 9, while the frame (12) of Lande ('344) is described as holding one compartment (34), it is considered the frame is "configured for", holding a plurality of compartments, because it would be capable of holding any number of sufficiently small compartments. Regarding claim 10, the stirring assembly has a circular base (52) configured for rotating about a central axis (see col. 6, lines 44-47), a rod (50) coupled to the circular base at the central axis such that the rod spins when the circular base is rotated about the central axis; a stirring fan apparatus (86) removably coupled to the rod wherein the stirring fan apparatus includes a plurality of fins which extend outwardly from the stirring fan apparatus and rotate about the central axis when the circular base is rotated.

Regarding claim 16, Lande ('344) discloses a container (10) comprising a compartment (34); a body (12) for holding the paint compartment having a front (18), a back (22), a planar first side (16), a planar second side (20) and a base (see Fig. 1); a lid (40) removably coupled to the paint compartment having an outer side, an inner opposite side and a small aperture (48) located through the lid from the outer side to the inner

opposite side; a stirring mechanism removably coupled to the outer side of the lid having an integrally formed rod (50) located at a central axis of the stirring mechanism, wherein the rod is positioned through small aperture in the lid to extend into the paint compartment when the lid is positioned over the paint compartment; and a fan apparatus (86) removably coupled to the rod of the stirring mechanism on the inner opposite side of the lid (see Fig. 1; col. 5, lines 32-58). Regarding claim 18, the stirring mechanism has a handle (52,53; see col. 6, lines 44-47). Regarding claim 19, an interior of the paint compartment has a sloped area (38) and a reservoir area (36). Regarding claim 22, Lande ('344) discloses a container (10) comprising a body (12) having a first (16) and second (20) side configured for holding a paint compartment (for example, 34) having a front, a back, a planar first side and a planar second side; a lid (40), removably coupled to the paint compartments having an outer side, an inner opposite side and a small aperture (48) located through the lid from the outer side to the inner opposite side; a stirring mechanism removably coupled to the outer side of the lid having an integrally formed rod (50), wherein the rod is positioned through the small aperture in the lid to extend into a corresponding paint compartment when the lid is positioned over the corresponding paint compartment; and a fan apparatus (86) removably coupled to the rod of the stirring mechanism on the inner opposite side of the lid (see Fig. 1; col. 5, lines 32-58). Claims 23, 26 and 27 fail to further structurally limit the claimed apparatus because no paint compartment is positively recited as part of the claimed apparatus. Regarding claim 25, the stirring mechanism has a handle (52,53; see col. 6, lines 44-47).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1-5, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creighton et al. (US 5,368,387). Regarding claims 1 and 2, Creighton ('387) discloses an apparatus comprising a paint storage compartment (28) having a front, a back a first side, a second side and a base, and means for dispensing (22). Regarding the limitation "comprising... a frame configured for holding the ... compartment", its is considered that it would have been obvious to one of ordinary skill in the art to have held the compartment in a frame, such as a house, to provide water and electricity for the operation of the apparatus (see col. 6, lines 29-31). Additional, in accordance with *In re Collier*, 158 USPQ 266 (CCPA 1968), because no structural relationship is positively recited among the frame and the remainder of the apparatus, the claim is rendered obvious by the "mere existence" of frames generally (see upholding of quoted Board statement in col. 1 of page 268 of 158 USPQ). In the context of this decision, claim 4 is also rendered obvious by the "mere existence" of frames having slots. Regarding claim 3, the dispensing mechanism includes a spigot assembly (see col. 5, lines 32-55). Regarding claim 5, a lid (40) and a stirring assembly (24) removably coupled to the lid for stirring the paint stored in the paint storage compartment are disclosed. Regarding claims 11 and 12, Creighton ('387) discloses an apparatus

Art Unit: 1723

comprising a paint storage compartment (28) having a front, a back a first side, a second side and a base, a dispensing mechanism (22), a lid (40) and a stirring assembly (24) removably coupled to the lid for stirring the paint stored in the paint storage compartment. Regarding the limitation "comprising... a frame configured for holding the ... compartment", its is considered that it would have been obvious to one of ordinary skill in the art to have held the compartment in a frame, such as a house, to provide water and electricity for the operation of the apparatus (see col. 6, lines 29-31). Additional, in accordance with *In re Collier*, 158 USPQ 266 (CCPA 1968), because no structural relationship is positively recited among the frame and the remainder of the apparatus, the claim is rendered obvious by the "mere existence" of frames generally (see upholding of quoted Board statement in col. 1 of page 268 of 158 USPQ). In the context of this decision, claim 14 is also rendered obvious by the "mere existence" of frames having slots. Regarding claim 13, the dispensing mechanism includes a spigot assembly (see col. 5, lines 32-55).

19. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lande (US 5,829,344). In the apparatus of Lande ('344) discussed above with regard to claim 7, a frame including mounting slots is not disclosed. However, in accordance with *In re Collier*, 158 USPQ 266 (CCPA 1968), because the "frame" of the claim is not positively recited as have a cooperative structural relationship with another structural element, the claim is rendered obvious by the "mere existence" of frames with slots generally (see upholding of quoted Board statement in col. 1 of page 268 of 158 USPQ).

20. Claims 17, 21, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lande (US 5,829,344) in view of Briggs (US 6,109,482). The apparatus of Lande ('344), discussed above, fails to include rounded ribs and channels. Briggs ('482) discloses rounded ribs (44) and channels/grooves (42). It is considered that it would have been obvious to one of ordinary skill in the art to have provided the apparatus of Lande ('344) with ribs and channels/grooves as taught by Briggs ('482), because Briggs ('482) states that such ribs and grooves provided the benefit of allowing removable side-by-side coupling of a plurality of unit apparatuses (see col. 5, lines 13-32).

21. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parmeley ('429). In the apparatus of Parmeley ('429) discussed above regarding claims 5 and 11, the means for stirring comprises a circular base (see left most portion of 41 in Fig. 1); wherein the circular base is configured for rotating about the central axis; a rod (39) coupled to the circular base at the central axis such that the rod spins when the circular base is rotated about the central axis; and a stirring fan coupled to the rod and having a plurality of fins (40) which extend outwardly from the stirring fan apparatus and rotated about the central axis when the circular base is rotated for stirring the paint contained within the compartment. While Fig. 1 appears to depict the stirring fan apparatus including a collar fitted over the shaft (39), the reference does not explicitly state that the stirring fan apparatus is removable from the shaft. It is considered that it would have been obvious to one of ordinary skill in the art to have made the stirring fan apparatus removable from the shaft, for example for repair, assembly or disassembly.

Art Unit: 1723

See *In re Dulberg*, 129 USPQ 348, 349 (CCPA 1961) regarding the obviousness of making parts separable.

22. Claims 7, 8, 10, 16, 18-20, 22, 23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parmeley (US 1,254,429) in view of Dean et al. (US 5,855,304). Regarding claim 7, Parmeley ('429) discloses an apparatus for storing paint comprising a paint storage compartment (28) having a front, a back, a first side, a second side and a base; a frame (6) configured for holding the compartment; a lid (38) for covering the compartment; and a stirring assembly (39,40,41,42) removably coupled to the lid. The compartment does not have planar first and second sides. Dean ('304) teaches that constructing a paint storage compartment with planar sides provides advantages such as economical storage of paint (see col. 1 line 52 to col. 2 line 38). It is considered that it would have been obvious to one of ordinary skill in the art to have provided the compartment of Parmeley ('429) with planar sides to realize these advantages taught by Dean ('304) especially consider in that Dean ('304) suggest use with spray equipment (see col. 1 line 52 to col. 2 line 38). Regarding claim 8, the frame is configured for holding a plurality of compartments (see Fig. 1). Regarding claim 10, the stirring assembly comprises a circular base (see left most portion of 41 in Fig. 1); wherein the circular base is configured for rotating about the central axis; a rod (39) coupled to the circular base at the central axis such that the rod spins when the circular base is rotated about the central axis; and a stirring fan coupled to the rod and having a plurality of fins (40) which extend outwardly from the stirring fan apparatus and rotated about the central axis when the circular base is rotated for stirring the paint contained

Art Unit: 1723

within the compartment. While Fig. 1 appears to depict the stirring fan apparatus including a collar fitted over the shaft (39), the reference does not explicitly state that the stirring fan apparatus is removable from the shaft. It is considered that it would have been obvious to one of ordinary skill in the art to have made the stirring fan apparatus removable from the shaft, for example for repair, assembly or disassembly. See *In re Dulberg*, 129 USPQ 348, 349 (CCPA 1961) regarding the obviousness of making parts separable. Regarding claim 16, Parmeley ('429) discloses a reusable paint container comprising a paint storage compartment (28); a body (5,6) configured for holding the paint compartment having a front, a back, a first side, a second side and a base; a lid (38) removably coupled to the paint compartment having an outer side, an inner opposite side and a small aperture located through the lid from the outer side to the inner opposite side; and a stirring mechanism (39,40,41,42) removably coupled to the outer side of the lid having a integrally formed rod, wherein the rod is positioned through the small aperture in the lid; a fan apparatus coupled to the rod of the stirring mechanism on the inner opposite side of the lid. The body does not have planar first and second sides. Dean ('304) teaches that constructing a body with planar sides provides advantages such as economical storage of paint (see col. 1 line 52 to col. 2 line 38). It is considered that it would have been obvious to one of ordinary skill in the art to have provided the body of Parmeley ('429) with planar sides to realize these advantages taught by Dean ('304) especially consider in that Dean ('304) suggest use with spray equipment (see col. 1 line 52 to col. 2 line 38). While Fig. 1 appears to depict the stirring fan apparatus including a collar fitted over the shaft (39), the

Art Unit: 1723

reference does not explicitly state that the stirring fan apparatus is removable from the shaft. It is considered that it would have been obvious to one of ordinary skill in the art to have made the stirring fan apparatus removable from the shaft, for example for repair, assembly or disassembly. See *In re Dulberg*, 129 USPQ 348, 349 (CCPA 1961) regarding the obviousness of making parts separable. Regarding claim 18, the stirring mechanism includes a handle (41). Regarding claim 19, the paint container has a sloped area and a reservoir area (see Fig. 1). Regarding claim 20, the reservoir area includes a centrally located circular depression having a small hole (31) located in the center of the circular depression, wherein the small hole is configured for coupling a spigot assembly to the paint compartment. Regarding claim 22, Parmeley ('429) discloses a reusable paint container comprising; a body (5 or 28) having a first and second wherein the body is configured for holding paint within one or more integral paint compartments (28) each having a front, a back, a first side and a second side; a lid (38) removably coupled to the paint compartment having an outer side, an inner opposite side and a small aperture located through the lid from the outer side to the inner opposite side; and a stirring mechanism (39,40,41,42) removably coupled to the outer side of the lid having a integrally formed rod, wherein the rod is positioned through the small aperture in the lid; a fan apparatus coupled to the rod of the stirring mechanism on the inner opposite side of the lid. The body does not have planar first and second sides. Dean ('304) teaches that constructing a body with planar sides provides advantages such as economical storage of paint (see col. 1 line 52 to col. 2 line 38). It is considered that it would have been obvious to one of ordinary skill in the are to have provided the

Art Unit: 1723

body of Parmeley ('429) with planar sides to realize these advantages taught by Dean ('304) especially consider in that Dean ('304) suggest use with spray equipment (see col. 1 line 52 to col. 2 line 38). The compartment does not have planar first and second sides. Dean ('304) teaches that constructing a paint storage compartment with planar sides provides advantages such as economical storage of paint (see col. 1 line 52 to col. 2 line 38). It is considered that it would have been obvious to one of ordinary skill in the art to have provided the compartment of Parmeley ('429) with planar sides to realize these advantages taught by Dean ('304) especially consider in that Dean ('304) suggest use with spray equipment (see col. 1 line 52 to col. 2 line 38). Regarding claim 23, the paint compartment is single walled. Regarding claim 25, the stirring mechanism includes a handle (41). Regarding claim 26 the compartment has a sloped reservoir area (see Fig. 1). Regarding claim 27, the reservoir area includes a centrally located circular depression having a small hole (31) located in the center of the circular depression, wherein the small hole is configured for coupling a spigot assembly to the paint compartment (see Fig. 1).

Response to Arguments

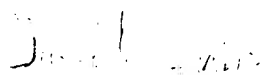
23. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 703-308-1121. The examiner can normally be reached on 8:00 -5:30 Mon.-Fri..

Art Unit: 1723

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



David Sorkin

June 5, 2002



CHARLES E. COOLEY
PRIMARY EXAMINER